

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

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|------------------------------------|---|------------------------|
| GLENN ANDERSON, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. CIV-05-0825-F |
| |) | |
| EDWARD L. EVANS, in his capacity |) | |
| as Interim Director of Oklahoma |) | |
| Department of Corrections, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

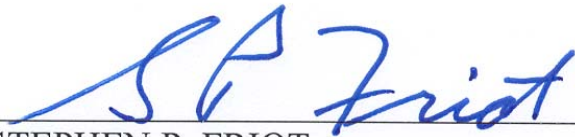
This action is brought by plaintiffs Glenn Anderson and Charles Taylor, state prisoners who have sued under 42 U.S.C. § 1983. The named defendants have moved for dismissal. (Doc. nos. 26, 28.) On December 20, 2005, Magistrate Judge Robert E. Bacharach filed his Report and Recommendation, recommending that the court overrule the motions to dismiss. (Report at doc. no. 43.) The Report further advised that the parties can object to the Report, that any such objections must be filed by January 10, 2006, and that failure to timely object would waive the right to appellate review of the recommended ruling. No objection has been filed, and no party has requested an extension of time within which to file an objection.

With no objection having been filed, and having reviewed the Report and Recommendation, the record, and the relevant arguments and authorities, the court hereby **AFFIRMS, ACCEPTS, and ADOPTS** the Report and Recommendation of the Magistrate Judge in its entirety. Accordingly, defendants' motions to dismiss are **DENIED**.

This matter is not re-referred to the magistrate judge.

Defendants **SHALL** file their Answer to the Complaint on or before February 1, 2006.

Dated this 11th day of January, 2006.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

05-0825p002(pub).wpd